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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,267	06/27/2001	Ikuo Ozawa	4041K-000027	4849

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EXAMINER

PATEL, NIHIR B

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,267

Applicant(s)

OZAWA ET AL.

Examiner

Nihir Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,7,9,10,12,13,15,16,18,19,21,22 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9,10,12,13,15,16,18,19,21,22 and 24-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 21, and 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Bierjon et al. US

Patent No. 6,196,624. Bierjon discloses a cross-beam and disposition thereof in an automobile vehicle that comprises a beam like brackets 14 (see figures 1, 2, and 4) extending transversely across the vehicle (see figures 1, 2, and 4), each beam like bracket being formed with an assembling portion for assembling equipment other than the heat exchanger, the heat exchanger being mounted on the vehicle through the brackets (see figures 1, 2, and 4); wherein the heat exchanger acts as a reinforcing member for reinforcing the vehicle body when mounted on the vehicle (see figures 1, 2, and 4).

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

The intended use statements are not given any patentable weight in this instance for example “for reinforcing the vehicle body when mounted on the vehicle”.

Referring to claim 24, Bierjon discloses a hood lock 18 (see figures 1, 2, and 4) for locking a hood is secured to the heat exchanger.

It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

The intended use statements are not given any patentable weight in this instance for example “for locking a hood is secured to the heat exchanger”.

Referring to claim 25, Bierjon discloses beam like brackets 14 that are fixed to side members of the vehicle body (see figures 1, 2, and 4).

Referring to claim 26, Bierjon discloses beam like brackets that are fixed to a front of the side members of the vehicle body (see figures 1, 2, and 4).

Referring to claim 27, Bierjon discloses beam like brackets that comprises a first portion extending transversely across the vehicle and a second portion extending in an up and down direction (see figures 1, 2, and 4).

Referring to claim 29, Bierjon discloses a cross-beam and disposition thereof in an automobile vehicle that comprises beam like brackets 14 (see figures 1, 2, and 4) extending transversely across the vehicle (see figures 1, 2, and 4), each beam like bracket being formed with an assembling portion for assembling equipment other than the heat exchanger, the beam like brackets being fixed to the side members of the vehicle body (see figures 1, 2, and 4); wherein the heat exchanger is mounted on the vehicle through the beam like brackets and the heat exchanger constitutes a strength member of the vehicle (see figures 1, 2, and 4).

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Referring to claim 30, Bierjon discloses a cross-beam and disposition thereof in an automobile vehicle that comprises a plurality of beam like brackets 14 (see figures 1, 2, and 4) extending transversely across the vehicle (see figures 1, 2, and 4), the plurality of beam like brackets 14 being fixed to side members of the vehicle body (see figures 1, 2, and 4); wherein the heat exchanger is mounted on the vehicle through the plurality of brackets and the heat exchanger constitutes a strength member of the vehicle (see figures 1, 2, and 4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 6, 7, 9, 10, 12, 13, 15, 16, 18, 19, 20, 21, 22, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bierjon et al. US Patent No. 6,196,624 in view of Iwasaki et al. US Patent No. 5,046,554.

Referring to claim 3, Bierjon discloses the applicant's invention as claimed with the exception of providing a heat exchanger that comprises a plurality of tubes for passing a fluid therethrough, header tanks arranged at longitudinal ends, respectively, of the plurality of tubes and communicating with the plurality of the tubes.

Iwasaki discloses a cooling module that does provide a heat exchanger that comprises a plurality of tubes for passing a fluid therethrough, header tanks arranged at longitudinal ends, respectively, of the plurality of tubes and communicating with the plurality of the tubes. It is obvious to one in the ordinary skill of the art that heat exchangers used in vehicles comprise a

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plurality of tubes for passing a fluid therethrough, header tanks arranged at longitudinal ends, respectively, of the plurality of tubes and communicating with the plurality of the tubes in order to provide better heat transfer.

Referring to claim 4, Bierjon discloses the applicant's invention as claimed with the exception of providing a first heat exchanger that comprises a plurality of first tubes for passing a first fluid therethrough and first header tanks arranged at longitudinally ends, respectively, of the plurality of first tubes for communicating with the plurality of first tubes thereby to exchange heat between the air and the first fluid; and second heat exchanger that comprises a plurality of second tubes for passing a second fluid therethrough and second header tanks arranged at longitudinal ends, respectively, of the plurality of the second tubes for communicating with the plurality of second tubes thereby to exchange heat between the air and the second fluid; wherein the first and second heat exchangers are arranged integrally in series with each other along the direction of the air flow.

Iwasaki discloses a cooling module that does provide a first heat exchanger that comprises a plurality of first tubes for passing a first fluid therethrough and first header tanks arranged at longitudinally ends, respectively, of the plurality of first tubes for communicating with the plurality of first tubes thereby to exchange heat between the air and the first fluid; and second heat exchanger that comprises a plurality of second tubes for passing a second fluid therethrough and second header tanks arranged at longitudinal ends, respectively, of the plurality of the second tubes for communicating with the plurality of second tubes thereby to exchange heat between the air and the second fluid; wherein the first and second heat exchangers are arranged integrally in series with each other along the direction of the air flow. It is obvious to

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one in the ordinary skill of the art that a first heat exchanger that comprises a plurality of first tubes for passing a first fluid therethrough and first header tanks arranged at longitudinally ends, respectively, of the plurality of first tubes for communicating with the plurality of first tubes thereby to exchange heat between the air and the first fluid; and second heat exchanger that comprises a plurality of second tubes for passing a second fluid therethrough and second header tanks arranged at longitudinal ends, respectively, of the plurality of the second tubes for communicating with the plurality of second tubes thereby to exchange heat between the air and the second fluid; wherein the first and second heat exchangers are arranged integrally in series with each other along the direction of the air flow in order to provide better heat transfer.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communication from the examiner should be directed to Nihir Patel whose telephone number is (703) 306-3463. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful the examiner's supervisor Henry Bennett can be reached at (703) 308-0101.

NP
February 20, 2003



Henry Bennett
Supervisor/Patent Examiner
Group 3700